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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,495	11/06/2003	Jean-Baptiste Galey	232979US0	7627
22850 7590 08/24/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HENRY, MICHAEL C	
			ART UNIT 1623	PAPER NUMBER
			NOTIFICATION DATE 08/24/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/701,495	Applicant(s) GALEY, JEAN-BAPTISTE	
	Examiner Michael C. Henry	Art Unit 1623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15, 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed 09/21/06 affects the application, 10/701,495 as follows:

1. Claims 1, 3, 12, 21-23 have been amended. Claim 16 has been canceled.
2. The responsive to applicants' arguments is contained herein below.

Claims 1-6, 8-15, 17-23 are pending in application

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 8, 21, 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Dobson et al. (US 6,423,327 B1).

In claim 1, applicant claims "A method for softening expression lines on a face and/or forehead in need thereof, comprising topically applying a composition to one or more zones of the face or forehead marked with expression lines a composition comprising at least one compound selected from the group consisting of adenosine and adenosine analogues and a physiologically acceptable medium." Dobson et al. disclose a method for enhancing the condition of skin in a mammal by reducing (softening) wrinkles, roughness, dryness, or laxity of the skin, comprising topically applying to the skin a composition comprising adenosine (see claim 1 and claims 2-10). It should be noted that the application of the composition to skin also encompasses the skin on the face and forehead and especially since that is where wrinkles (including expression lines) generally occur. Furthermore, "expression lines" are referred to as

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types of wrinkles. That is, expression lines are wrinkles. Applicant's attention is drawn to Exhibit A and B which disclose that expression lines are forms of wrinkles. Exhibit A states that "The wrinkles that seem to bother us most are "character" or "expression" lines" (see page 1, 1st line of 2nd paragraph). In addition, Exhibit B states that "Natural expressions that use specific facial muscles may cause some wrinkles called "expression lines" to reappear" (see page 4, 2nd paragraph, lines 2-3). Thus, these exhibits disclose that expression lines are wrinkles. It must also be noted that Dobson et al. apply the same composition to the skin of the same subject as applicant and consequently it should have the same inherent effect of softening of expression lines. Claim 8, which is drawn to a method of claim 1, wherein said composition comprises adenosine, is also anticipated by Dobson et al., since Dobson et al.'s composition also comprises adenosine (see claim 1 and claims 2-10). Claims 21 and 22, which are drawn to a method of claims 1 and 8 respectively, comprising the topical application to the skin an effective amount of said composition to reduce laugh lines and/or reduce frown lines, are also anticipated by Dobson et al., since Dobson et al.'s composition also reduces wrinkles (which includes frown lines and laugh lines-types of wrinkles) and contains adenosine (see claim 1 and claims 2-10). It should be noted that the application of the composition to skin also encompasses the skin on the face and forehead and especially since that is where wrinkles (including expression lines) generally occur. Furthermore, Applicant's attention is drawn to Exhibit C which discloses that expression lines and frown lines are different forms of wrinkles (i.e., dynamic wrinkles). For example, Exhibit C states that "Dynamic wrinkles typically form across the **forehead**, between the eyebrows (**frown lines**), and on the sides of the eyes ("crow's feet") (see page 1, 2nd paragraph and entire article).

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Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lapinet et al. (US 3,978,213).

In claim 1, applicant claims "A method for softening expression lines on a face and/or forehead in need thereof, comprising topically applying a composition to one or more zones of the face or forehead marked with expression lines a composition comprising at least one compound selected from the group consisting of adenosine and adenosine analogues and a physiologically acceptable medium." Lapinet et al. disclose applicant's method of softening and enhancing the natural elasticity of the skin comprising applying topically to human skin a composition comprising an adenosine analogue, cyclic 3',5'-adenosine monophosphate (see claims 1-2 and col. 2, line 48- col. 4, line 7). It should be noted that the application of the composition to skin also encompasses the skin on the face and forehead and especially since that is where wrinkles (including expression lines) generally occur. Furthermore, it should be noted that the examiner considers that the softening of skin also includes a softening of lines especially since Lapinet also disclose that wrinkles (expression lines) are decreased (softened) by said treatment (see col. 4, lines 3-7) and that said treatment is applied to soften and soothe human skin that is wrinkled and dry (see col. 1, lines 47-52). It must also be noted that Lapinet et al. apply the same composition to the skin of the same subject as applicant and consequently it should have the same inherent effect of softening of expression lines. Claim 2, which is drawn to the method according to claim 1 wherein said composition comprises an adenosine analogue, is also encompassed by this rejection, since Lapinet et al.'s composition also comprises the adenosine analogue, cyclic 3',5'-adenosine monophosphate (see claims 1-2 and col. 2, line 48- col. 4, line 7). It should be noted that the application of the composition to skin also

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encompasses the skin on the face and forehead and especially since that is where wrinkles (including expression lines) generally occur. Furthermore, it should be noted that the examiner considers that the softening of skin also includes a softening of lines especially since Lapinet also disclose that wrinkles (expression lines) are decreased (softened) by said treatment (see col. 4, lines 3-7) and that said treatment is applied to soften and soothe human skin that is wrinkled and dry (see col. 1, lines 47-52). It must also be noted that Lapinet et al. apply the same composition to the skin of the same subject as applicant and consequently it should have the same inherent effect of softening of expression lines

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6, 9-15, 17-20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobson et al. (US 6,423,327 B1).

In claim 1, applicant claims "A method for softening expression lines on a face and/or forehead in need thereof, comprising topically applying a composition to one or more zones of the face or forehead marked with expression lines a composition comprising at least one compound selected from the group consisting of adenosine and adenosine analogues and a physiologically acceptable medium." Claim 3 is drawn to the method according to claim 1, wherein said composition comprises at least one adenosine analogue including 2'-deoxyadenosine 2', 3'-isopropylidene adenosine; toyocamycin, 1-methyladenosine

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Dependent claims 4-6 and 9 are drawn to a method wherein the composition comprises specific % by weight of adenosine and/or adenosine analogue. Dependent claims 10-15, 17-20 are drawn to a method wherein the composition has a specific relaxing effect, the use of specific adenosine analogues, specific % by weight of adenosine and/or adenosine analogue and the application of the composition on specific locations on the face. Claim 23 is drawn to a method for softening expression lines on a face and/or forehead in need thereof, comprising topically applying a composition to one or more zones of the face or forehead marked with expression lines a composition comprising adenosine in an amount of from 0.01% to 1% by weight with respect to the total composition and a physiologically acceptable medium.

Dobson et al. disclose a method for enhancing the condition of skin in a mammal by reducing (softening) wrinkles, roughness, dryness, or laxity of the skin, comprising topically applying to the skin a composition comprising adenosine (see claim 1 and claims 2-10). Dobson et al. disclose that adenosine and suitable adenosine analogues are suitable for use in enhancing skin condition (see col. 3, lines 35-64). Furthermore, Dobson et al. disclose that adenosine analogues such as adenosine agonists, adenosine receptor agonists, and compounds that increase intracellular or extracellular adenosine levels are suitable for use in the invention (see col. 3, lines 35-64). Examples of some adenosine analogues disclosed by Dobson et al. as useful in the method include 2'-deoxyadenosine 2', 3'-isopropylidene adenosine; toyocamycin, 1-methyladenosine (see col. 3, lines 40-64). It should be noted that the application of the composition to skin also encompasses the skin on the face and forehead and especially since that is where wrinkles (including expression lines) generally occur. Furthermore, "expression lines" are referred to as types of wrinkles. That is, expression lines are wrinkles. Applicant's attention

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is drawn to Exhibit A and B which disclose that expression lines are forms of wrinkles. Exhibit A states that "The wrinkles that seem to bother us most are "character" or "expression" lines" (see page 1, 1st line of 2nd paragraph). In addition, Exhibit B states that "Natural expressions that use specific facial muscles may cause some wrinkles called "expression lines" to reappear" (see page 4, 2nd paragraph, lines 2-3). Thus, these exhibits disclose that expression lines are wrinkles. It must also be noted that Dobson et al. apply the same composition to the skin of the same subject as applicant and consequently it should have the same inherent effect of softening of expression lines. Furthermore, the examiner considers the relaxing effect on contractile fibroblast (as recites in claim 10), an effect or means by which said wrinkles or roughness are being reduced.

The difference between applicant's claimed method and the method of Dobson et al. is that Dobson et al. do not disclose the specific % by weight of adenosine and/or adenosine analogue nor the application of the composition on specific locations on the face or skin. However, the use of specific % by weight of adenosine and/or adenosine analogue or the application of the composition on specific locations on the face or skin, depends on factors like the severity of the skin or facial condition (such as wrinkles), the location of the condition and the kind of subject or mammal being treated.

It would have been obvious to one having ordinary skill in the art, at the time the claimed invention was made to have used the method of Dobson et al. to treat wrinkles or enhance skin or relax facial features with a composition comprising adenosine or adenosine analogue, and to use different % by weight of adenosine or adenosine analogue at the required location, based on

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factors like the severity of the skin or facial condition (such as wrinkles), and the kind of subject or mammal being treated.

One having ordinary skill in the art would have been motivated to use the method of Dobson et al. to treat wrinkles or enhance skin or relax facial features with a composition comprising adenosine or adenosine analogue, and to use different % by weight of adenosine or adenosine analogue at the required location, based on factors like the severity of the skin or facial condition (such as wrinkles), and the kind of subject or mammal being treated.

Response to Amendment

Applicant's arguments with respect to claims 1-6, 8-15 and 17-23 have been considered but are not found convincing.

The applicant argues that the conditions treated by Dobson and Lapinet are different from expression lines: their causes are different and their treatments are different. For example, whereas wrinkles are caused by lack of collagen and can be addressed through collagen protection and/or synthesis, expression lines are caused by different mechanisms and cannot be addressed by increasing or protecting collagen. Thus, although Dobson and L_Lapinet teach addressing collagen-related conditions such as wrinkles or moisture-related conditions such as dry skin, these references neither teach nor suggest reducing or softening conditions unrelated to collagen or moisturization levels. Because expression lines are not collagen- or moisturization-related, neither Dobson nor Lapinet could possibly teach or suggest anything concerning treatment of this condition. However, the mechanism or manner by which the expression lines are produced does not alter the fact that it is a wrinkle or a type of wrinkle and that Dobson et al. disclose reducing (softening) wrinkles (expression lines) with the same composition as applicant.

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Furthermore, although applicant argues that the treatments for wrinkles and fine lines do not effect expression lines, it should be noted that the method of applicant's previously presented dependent claims 21 and 22 involves decreasing wrinkles with the same said composition as Dobson et al. This implies that the applicant also considers expression lines as been wrinkles (see previously presented claims 21 and 22 of the instant invention). In addition, applicant's attention is drawn to Exhibit A and B which disclose that expression lines are forms of wrinkles. Exhibit A states that "The wrinkles that seem to bother us most are "character" or "expression" lines" (see page 1, 1st line of 2nd paragraph). In addition, Exhibit B states that "Natural expressions that use specific facial muscles may cause some wrinkles called "expression lines" to reappear" (see page 4, 2nd paragraph, lines 2-3). Thus, these exhibits disclose that expression lines are wrinkles. Furthermore, Applicant's attention is drawn to Exhibit C which discloses that expression lines and frown lines are different forms of wrinkles (i.e., dynamic wrinkles). For example, Exhibit C states that "Dynamic wrinkles typically form across the **forehead**, between the eyebrows (**frown lines**), and on the sides of the eyes ("crow's feet") (see page 1, 2nd paragraph and entire article).

The applicant argues that Exhibit A actually supports Applicants' position, stating that expression lines are "different from the lines caused by sun damage or heredity." Exhibit B confirms that expression lines have been "difficult to treat," thereby indicating that typical wrinkle treatments are ineffective and implying that expression lines are different from typical wrinkles. However, Exhibit A and B which disclose that expression lines are forms of wrinkles. Exhibit A states that "The wrinkles that seem to bother us most are "character" or "expression" lines" (see page 1, 1st line of 2nd paragraph). In addition, Exhibit B states that "Natural

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expressions that use specific facial muscles may cause some wrinkles called "expression lines" to reappear" (see page 4, 2nd paragraph, lines 2-3). Furthermore, Applicant's attention is drawn to Exhibit C (a corroboration) that discloses that expression lines and frown lines are different forms of wrinkles (i.e., dynamic wrinkles). For example, Exhibit C states that "Dynamic wrinkles typically form across the **forehead**, between the eyebrows (**frown lines**), and on the sides of the eyes ("crow's feet") (see page 1, 2nd paragraph and entire article).

The applicant argues that neither Dobson nor Lapinet, individually or combination, would lead one skilled in the art to use the claimed adenosine compound with the specific intention of softening expression lines. Neither of these references relates to expression lines in any way, shape or form, so it follows that neither of the references teaches or suggests how to treat this condition. However, Dobson and Lapinet, would lead one skilled in the art to use the claimed adenosine compound with the specific intention of softening expression lines (see above rejection).

The applicant argues that Neither Dobson nor Lapinet teaches or suggests anything concerning treatment of said condition, let alone the specific amounts of adenosine required in claim 23. However, One having ordinary skill in the art would have been motivated to use the method of Dobson et al. to treat wrinkles or enhance skin or relax facial features with a composition comprising adenosine or adenosine analogue, and to use different % by weight of adenosine or adenosine analogue at the required location, based on factors like the severity of the skin or facial condition (such as wrinkles), and the kind of subject or mammal being treated.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

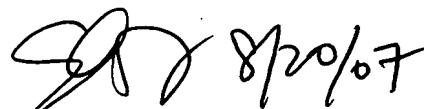
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Henry whose telephone number is 571-272-0652. The examiner can normally be reached on 8.30am-5pm; Mon-Fri. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Michael C. Henry

Handwritten signature of Shaojia Anna Jiang, dated 8/20/07.

Shaojia Anna Jiang, Ph.D.
Supervisory Patent Examiner
Art Unit 1623

August 19, 2007.